



JPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroshi TAKIGUCHI et al.

Group Art Unit: 1639

Application No.: 10/796,103

Examiner: M. TRAN

Filed: March 10, 2004

Docket No.: 119037

For: NUCLEIC ACID IMMOBILIZATION METHOD AND MANUFACTURING
METHOD OF BIOSENSOR USING SAME

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the October 25, 2006 Notice of Non-Responsive Amendment, please consider the following resubmission of the entire "Response to Restriction Requirement" document filed on August 22, 2006.

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

In reply to the July 28, 2006 Restriction and Election of Species Requirement, Applicants provisionally elect, with traverse, Group I, claims 1–18, directed to a method for immobilizing nucleic acid on a solid support, and further elect as a Species:

- a) a probe according to claim 3, wherein L^3 is a C_6 alkylene group and L^4 is a polyethylene glycol phosphate group; and
- b) a compound according to formula (I), wherein L^1 is a C_6 alkylene group, L^2 is a single bond, and R is a hydroxyl group.

At least claims 1–9 and 11–18 read on the elected species. At least claim 1 is generic to all species.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further understand, however, that upon search, examination, and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: November 27, 2006

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